

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Angelo and Valerie Guagliano,

Plaintiff,

v.

Cameron & Cameron Custom Homes, LLC;  
Cameron & Cameron Construction Group,  
LLC; ACR Roofing, LLC d/b/a ACR Roofing  
Solutions; Burlingame Industries, Inc.; and  
Eagle Roofing Products,

Defendants.

Civil Action No.: 9:19-cv-839-RMG

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446 and 15 U.S.C. § 2310, Eagle Roofing Products Florida, LLC, wrongly named in the complaint as Eagle Roofing Products,<sup>1</sup> hereby removes this action from the Court of Common Pleas for the Fourteenth Judicial Circuit, Beaufort County, South Carolina, No. 2019-CP-07-0282, to the United States District Court for the District of South Carolina, Beaufort Division, on the following grounds:

**I. Removal is Timely**

The Guaglianos filed the Summons and Complaint in this action on February 11, 2019. Eagle was served with the Summons and Complaint on February 21, 2019. Therefore, this Notice of Removal is timely filed within the thirty-day period required by 28 U.S.C. § 1446(b).

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<sup>1</sup> As stated in its responses to the Local Rule 26.01 Interrogatories, Eagle Roofing Products Florida, LLC will accept service of an amended complaint that correctly names this defendant.

## II. Procedural Requirements for Removal

A true and correct copy of all process and pleadings served to date are attached as Exhibit A to this Notice of Removal. Written notice of the filing of this Notice of Removal and of the removal of the above-referenced action is being delivered to the Guaglianos through their counsel of record, as well as all other counsel who have appeared on behalf of other parties. A copy of this Notice of Removal will be filed promptly with the Clerk of Court of the Court of Common Pleas for Beaufort County, South Carolina.

## III. Venue

Venue lies in this Court because the Guaglianos' action is pending in this District and Division. *See* 28 U.S.C. § 1441(b).

## IV. Statement of Statutory Basis for Jurisdiction

This action is within the original jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1331, which vests federal district courts with original federal question jurisdiction over all “civil actions arising under the Constitution, laws, or treaties of the United States.” One type of federal-question jurisdiction is the Magnuson-Moss Act, 15 U.S.C. § 2310(d). Under this statute, a claim may be brought “in an appropriate district court of the United States,” as long as the amount in controversy is more than \$50,000. 15 U.S.C. §§ 2310(d)(1)(B), 2310(d)(3)(B). Diversity is not required under this statute. *See Chavis v. Fid. Warranty Servs., Inc.*, 415 F. Supp. 2d 620, 622 (D.S.C. 2006).

Here, the Guaglianos have asserted a claim under the Magnuson-Moss Act against Eagle. *See* Compl. ¶¶ 39–48. Upon information and belief, the Guaglianos

are seeking at least \$390,000 for alleged damages to their roof alone, and Eagle's only connection to this construction project was the roof tiles. In addition, the Guaglianos seek punitive damages. *See* Compl. Prayer for Relief. Therefore, this case exceeds the \$50,000 threshold.

This Court has jurisdiction over the other claims pursuant to 28 U.S.C. § 1367.

### **Conclusion**

Eagle hereby removes this matter from the Court of Common Pleas of the State of South Carolina, Beaufort County, to the United States District Court for the District of South Carolina, Beaufort Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446 and 15 U.S.C. § 2310.

Dated this 19th day of March, 2019.

Respectfully submitted,

s/Benjamin E. Nicholson, V  
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